

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

(1) THE CHEROKEE NATION,)	
(2) CHEROKEE NATION ENTERTAINMENT, LLC,)	
)	
)	
Plaintiff(s))	
vs.)	Case No. 12-cv-493-GKF TLW
)	
(3) KENNETH L. SALAZAR)	
<i>in his official capacity as</i>)	
Secretary of the Interior)	
U.S. Department of the Interior)	
)	
(4) MICHAEL S. BLACK)	
<i>in his official capacity as</i>)	
Acting Assistant Secretary for Indian Affairs)	
U.S. Department of the Interior)	
)	
Defendant(s))	
)	
(5) UNITED KEETOOWAH BAND OF)	
CHEROKEE INDIANS IN OKLAHOMA,)	
)	
Intervenor Defendant.)	

PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION

Pursuant to 5 U.S.C. §705 and Fed. R. Civ. P. 65, Plaintiffs Cherokee Nation and Cherokee Nation Entertainment, LLC hereby move the Court to issue a temporary restraining order and/or preliminary injunction enjoining Defendants from transferring into trust on behalf of the United Keetoowah Band Corporation the 2.03 acre parcel that is the subject of this action, pending resolution of this action on the merits.

Defendants have notified Plaintiffs and this Court [See Doc. 76 and 76-1] of its intent to take the parcel into trust on or after August 14, 2013.¹ Plaintiffs request that this Court issue a temporary restraining order effective before August 14, 2013, and that this Court schedule a hearing on a preliminary injunction pursuant to Fed. R. Civ. P. 65(a) during the period between consideration of Plaintiffs' motion of a temporary restraining order and the time at which the temporary restraining order expires.

Plaintiffs' counsel has notified counsel for the Defendants and for Intervenor United Keetoowah Band of Cherokee Indians by telephone regarding the filing of this Motion. In addition, Plaintiffs have sent a set of the motion papers to these attorneys by email. Plaintiffs believe that those parties plan to object to this motion.

Plaintiffs make this motion based upon the Complaint in this action [Doc. 2, ¶¶ 114-122], the accompanying memorandum of law and the accompanying declaration of Todd Hembree, Attorney General of the Cherokee Nation.

Respectfully submitted,

s/Todd Hembree
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¹ In their notice to the Court, Defendants state that on July 15, 2013 they delivered a letter to the Cherokee Nation giving notice of its intent to complete the trust acquisition "thirty days following receipt of the notice letter." The earliest day for Defendant's action would be August 14th.

Doerner, Saunders, Daniel
& Anderson, L.L.P.

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*Attorneys for Cherokee Nation
Entertainment, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2013, I electronically transmitted the foregoing document to the Clerk of the U.S. District Court for the Northern District of Oklahoma using the ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants.

/s/ David McCullough

David McCullough